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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,397

07/23/2003

Lee E. Cannon

29757/AG101

9098

4743

7590

09/27/2006

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EXAMINER

MCCULLOCH JR, WILLIAM H

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,397	<b>Applicant(s)</b> CANNON, LEE E.	
	<b>Examiner</b> William H. McCulloch Jr.	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statements (IDS) with mailroom dates 10/27/2003, 12/20/2004, and 10/27/2006 were filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the examiner has considered the information disclosure statements.
2. Regarding the IDS with mailroom date 1/7/2005:
  - U.S. 5,924,027 does not match the inventor name or class/subclass contained in the IDS. The examiner believes applicant intended to cite U.S. 5,924,927 to Matsuura et al., classified in class 463/subclass 62, and has considered the '927 reference.
  - F.R. 1474617 is in a language other than English without a translation or statement as to the relevance of the reference. Accordingly, the reference has not been considered.
  - Copies of G.B. 2137392 and G.B. 2226436 could not be found in applicant's submission. Accordingly, these references have not been considered.
  - D.E. 3700861 and D.E. 4014477 are in a language other than English without a translation or statement as to the relevance of the references.

Acknowledgement is made to corresponding documents U.K. 2201821 and U.S. 5,259,616. The D.E. references themselves have not been considered; however, their corresponding documents have been considered.

- All other references have been considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-8, and 15-45 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,779,549 to Walker et al. (hereinafter Walker).

Regarding claim 1, 15, 19, 25, 30, 36, 38, 39, and 43, Walker teaches the following limitations: at least a first and a second gaming apparatus (I/O devices) each comprising a display unit, a value input device, and a controller, said controller comprising a processor and a memory operatively coupled to the respective gaming apparatus (see at least 5:9-31 and 7:4-15). Walker teaches generating a game display of at least a poker game, a race game, and a slots game (12:30-49). Walker teaches a bonus controller (i.e. central controller 102) coupled to the gaming apparatuses (see at least fig. 1), said bonus controller comprising a processor and a memory (see at least 5:9-31). Walker further teaches a bonus controller being programmed to receive wagering data from gaming apparatuses (see at least 7:4-15), the bonus controller being programmed to enter at least a first player into a competitive bonus game upon occurrence of a qualifying win of a game (see at least 8:22-53). The bonus controller determines and adjusts odds for example by the use of handicapping (see at least 7:4-

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33), or simply as a result of an adding or eliminating contenders from a competitive tournament. The bonus controller determines the outcome of the competitive bonus game and transmits data corresponding to said outcome of said competitive bonus game to the gaming apparatuses (see at least 5:40-48 and 7:16-33).

Regarding claims 2 and 45, Walker teaches that the game display unit comprises a video display unit capable of generating video images (see at least 5:9-31).

Regarding claim 3, Walker teaches a gaming apparatus capable of displaying video images relating to video poker and video slots. See *id.*

Regarding claims 5, 27, and 28 Walker describes the gaming apparatus (I/O device) may be a video gaming console or a personal computer, both of which may include remote displays.

Regarding claims 6, 7, 16, 20, 24, 29, 31, 35, 40, and 44, Walker teaches the bonus controller is programmed to determine the type of qualifying outcome (for example, the type of game played or the player's score) and varying the odds of winning the competitive bonus game according to the type of qualifying outcome (for example, by handicapping the higher-scoring player). In addition to the above citations, see 7:16-33, 8:5-13.

Regarding claim 8, Walker teaches that the gaming apparatuses are coupled via the Internet (see 5:19-21).

Regarding claims 17, 21, 26, and 32 Walker describes qualifying events for a player to compete in a competitive bonus game including at least: obtaining a specific

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outcome, obtaining a plurality of specific outcomes, a predetermined duration of time.

See at least 8:6-12, 9:25-37, 10:42-11:5, 12:40-45, and 13:15-40.

Regarding claims 18 and 34, Walker teaches that a bonus game may begin after a predetermined number of players have qualified (see at least 9:46-65), which is equivalent to a fixed number of entries having been won.

Regarding claims 22 and 41, Walker discloses a competitive bonus game held on a periodic basis (see at least 7:39-45).

Regarding claim 23 and 42, Walker suggests that a predetermined amount of entry fees must be collected in order to fund the competitive bonus awards to be paid to winners, for example in the description of known prior art in 2:35-39 and in the description of a predetermined number of players having been qualified to participate in the game in 9:46-65.

Regarding claims 33, the bonus game of Walker may be initiated when players gradually fill a predetermined number of tournament positions as they register or qualify, which may include holding spots for preferred players (see at least 9:46-65). Therefore, since the exact entry times are not known ahead of time, the initiation of a competitive bonus game is random.

Regarding claim 37, Walker teaches that the game played on a gaming apparatus is controlled in accordance with software resident on the apparatus (see at least 5:55-60). Therefore, the controller of the gaming apparatus in conjunction controls the odds of winning with data from the central controller.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of official notice.

Walker substantially describes the limitations of claims 9-11 and 13-14 as described above. Walker lacks in explicitly teaching that a player may make a payline selection in a slots game. However, the examiner takes official notice that it was notoriously well known in the art at the time of invention to allow players to select their own paylines in a slot game. Paylines allow players to wager more on the same game, thus increasing profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker in view of Official Notice to include paylines so that players could wager more on a single game, thus increasing profits for the gaming establishment. See also rejections of claims 1, 2, 3, and 17 applicable to claims 9, 10, 11, and 14, respectively.

Regarding claims 4 and 12, Walker teaches a slot machine game as described above in at least 12:29-39. Walker does not explicitly state that the slot machine embodiment has at least one mechanical slot machine reel. However, the examiner takes official notice that it was notoriously well known in the art at the time of invention that mechanical reels of slot machines were used interchangeably with video

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representations of reels. The mechanical reels of slot machines provide a more realistic appearance of "fair" gaming devices, giving the perception of truly random outcomes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use at least one mechanical reel in the device of Walker in view of Official Notice in order to improve the perception of randomness in the slot machine's outcomes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is 571-272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

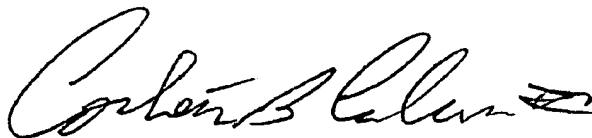


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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.  
Examiner  
Art Unit 3714  
9/18/2006

  
wm

**CORBETT B. COBURN**  
**PRIMARY EXAMINER**